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December 5, 2019

The Honorable Thomas W. Thrash, Jr.
Chief Judge, United States District Court,
Northern District of Georgia
2188 Richard B. Russell Federal Building
75 Ted Turner Drive, S.W.
Atlanta, Georgia 30303

Re: *In re Equifax Data Breach Litigation*, MDL Docket No. 2800, No. 1:17-md-2800-TWT, Consumer Actions

Dear Judge Thrash:

I, along with local counsel Jerry Froelich, am counsel of record for objecting class member Mikell West, who filed a timely objection to the settlement and request for attorneys' fees on November 19, 2019. Dkt. 880. Attached to the objection as Exhibit 3, is a list of cases in which I and/or my law firm have represented class members in objecting to settlements in the preceding five years. Dkt. 880-3. That list was provided in compliance with the class notice.

I write to correct an inaccuracy that I discovered upon reviewing the filing again. The discussion of the third case on the list, *In re Lithium Ion Batteries Antitrust Litigation*, 13-md-2420, United States District Court, Northern District of

California, is out of date. The exhibit referenced a reduction of class counsels' fees from 25% to 10% consistent with the objection of our client. *Lithium Ion Batteries*, 13-md-2420, Dkt. 2005. That was an interim fee for the second round of settlements, and the court withheld additional funds under the megafund principals advanced by our client. *Lithium Ion Batteries*, 13-md-2420, Dkt. 2005, at 1-2. Since that order, the court awarded an aggregate 30% fee from three rounds of settlements (minus the interim fee in round two). *Lithium Ion Batteries*, 13-md-2420, Dkt. 2516. Recently, the Ninth Circuit vacated the order approving the second round of settlements along with the interim fee. *In re Lithium Ion Batteries Antitrust Litig.*, 777 Fed. Appx. 221, 223 (9th Cir. 2019); *In re Lithium Ion Batteries Antitrust Litig.*, 777 Fed. Appx. 231, 232-33 (9th Cir. 2019). Our client and another class member filed a motion for indicative ruling as to remaining fees from round two and to the entire aggregate fee for all rounds, and that motion is pending in the district court. *Lithium Ion Batteries*, 13-md-2420, Dkt. 2558. Our client also filed an appeal in the Ninth Circuit from the approval order from the round three settlements. *In re Lithium Ion Batteries Antitrust Litig.*, 19-16855 (9th Cir.).

Respectfully submitted,

By: /s/ Robert W. Clore
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¹ Dkt. 23 at 4 (“Attorneys admitted to practice and in good standing in the United States District Court are admitted pro hac vice in this litigation.”).

CERTIFICATE OF SERVICE

The undersigned certifies that today he filed the foregoing document on ECF which will send electronic notification to all attorneys registered for ECF-filing.

DATED: December 5, 2019

/s/ Robert W. Clore

Robert W. Clore